

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

**Block E Hotel Capital, LLC and
Block E Hotel Capital II, LLC,**

Civil No. 05-426 (JNE/SRN)

Plaintiffs,

ORDER

v.

**Meridien Hotels, Inc. and
Juergen Bartels,**

Defendants.

J. Michael Dady, Esq. and William Fulton, Esq. on behalf of Plaintiffs

Christopher R. Morris, Esq. and Gabriel M. Nugent, Esq. on behalf of Defendants

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated October 28, 2005. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Defendants' Motion to Stay Litigation and Motion to Dismiss (Doc. No. 11) is

GRANTED in part and DENIED in part as set forth herein and proceedings in this matter are stayed pending the outcome of arbitration; and

2. Plaintiffs' Motion to Stay Arbitration (Doc. No. 17) is **DENIED**.

DATED: November 30, 2005

s/ Joan N. Ericksen

JOAN N. ERICKSEN

United States District Court Judge